



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,904	05/31/2000	Avner Shafrir	52817.000111	2748

29315 7590 07/08/2003

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC
12010 SUNSET HILLS ROAD
SUITE 900
RESTON, VA 20190

EXAMINER

HAILU, TADESSE

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/580,904

Applicant(s)
Avner Shafrir

Examiner
Tadesse Hailu

Art Unit
2173



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 10, 2003
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 9 6) ☐ Other:

Art Unit: 2173

DETAILED ACTION

1. This Office Action is in response to the AMENDMENT entered on March 07, 2003 for the patent application (09/580,904).
2. The amendment to the claims of the current application overcomes the Double Patenting rejection, therefore, the double patenting rejection is withdrawn.
3. The present patent application claims priority from domestic US Application 60/137,513 filed June 2, 1999.
4. The submitted Information Disclosure Statement is considered.
5. Status of the claims - claims 1-29 are pending.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1-29 are rejected under 35 U.S.C. 102(a) as being anticipated by "Chatting in Style," University of North Carolina at Chapel Hill, School of Information and Library Science, Fall 1998 (10/7/1998).

ICQ, as disclosed in "Chatting in Style" is an application that is used as a tool for communication. After installing this software application in a computer, ICQ allows you to know who is online (network), and allows you to contact them by clicking the name or the icon next to

Art Unit: 2173

it and then send a message, initiate a chat session or launch any other interactive session (communication mode). ICQ automatically detects user connection to the Internet and announces your presence (on-line status indicator) to those whose list (contact list) you are on and notifies you if your contacts are on-line (status indicator) as well. This status indicator is color-coded symbol (flower icon), i.e., it changes to green to announce your presence to those whose list you are on.

Moreover, as described below, it is clear that the current claims are not distinguishable over the cited art.

Per claim 1:

As per "user indicator presentation means," ICQ does provide this limitation, such as name, ICQ's unique ID number, and etc that are associated with the user. as mentioned above these indicators allows you to connect or link to others by clicking on the indicator. (see page 2).

As per "status determining means," ICQ does provide plurality of status determining indicators to know the status (online, offline, etc.) of one or more users on the Internet. (see page 2).

As per "status indicator presenting means," as mentioned above, ICQ provides the status indicator (such as online or offline) and the user indicators (such as name or ID) in the window in order to provide the status of selected (by clicking name indicator) system users (see page 2).

Art Unit: 2173

The remaining independent claims, 6, 13, 18, 26-29 are rejected for the same reason given to claim 1. Claims 26 and 28 further call for a status determining module associated with a first system application and a status indicator presenting module associated with a second application, wherein, the first and second system applications are different system application. ICQ provides the above limitations, wherein status can be associated with e-mail, chat or data conference applications that determines a status of a user associated with user indicator (see pages 1-6).

as per claims 2, 4, 14, 16, and 19, ICQ provides a status indicator such as a flower symbol which changes color (color-coded) based on the user's status (page 2).

as per claims 3, 8, 15, 20, ICQ further discloses status indicators displayed in a menu (see page 2).

as per claims 5, 17, as shown in page 2, the user indicator is selected by selecting the status indicator icon for the selected user.

as per claims 7, as shown in page 2 symbol icon is used to indicate the status indicator of a user.

as per claims 9, 21, the status indicators includes color-coding, that is, the symbol (flower icon) changes to green to announce your presence to those whose list you are on. (see page 2).

as per claims 10, 12, 22-25, ICQ, as mentioned above, does provide several communication

preference to a user. such preference include, e-mail, chat, send message files

Art Unit: 2173

and URLs, play games, draw on whiteboards, communicate through voice while surfing the net (see page 1). User can initiate or establish any one of the communication mode to communicate and share at least one application with one or more users (see pages 1-6).

as per claim 11, ICQ user is able to establish or initiate one or more communications such as using ICQ's voice, or data sharing applications with one or more network users.

Response to Arguments

8. Applicant's arguments filed March 3, 2003 have been fully considered but they are not persuasive. Applicant argues that the feature of presenting one or more user indicators as links within at least one electronic document is not show. In contrast to the argument ICQ, as disclosed in "Chatting in Style" displays user indicators (page 2) that are selectable , like a link to communicate with the selected network user (page 2, *Dave* for example).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

Art Unit: 2173

1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

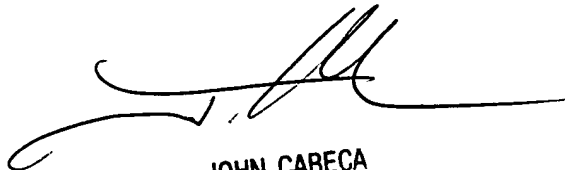
10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Tadesse Hailu*, whose telephone number is (703) 306-2799. The Examiner can normally be reached on M-F from 10:00 - 8:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, *John Cabeca*, can be reached at (703) 308-3116 Art Unit 2173 CPK 2-4A51.

11. The fax numbers for Technology Center Group 2100 are as follows: After-Final (703) 746-7238, Official (703) 746-7239, and for Non-Official/Draft (703) 746-7240.

12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu

June 9, 2003



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100